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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
HOME (JAIL) DEPARTMENT

No.F.X-616/IGP/2023/2337-60 **Dated 03-09-2025.**

NOTIFICATION

In exercise of the powers conferred by Section 59 of the Prisons Act,1894 (Central Act No. 9 of 1894) and in compliance with the order dated 18/02/2025, passed in connection with SUO MOTU WRIT PETITION (CRIMINAL) NO. 4 of 2021 (*IN RE: POLICY STRATEGY FOR GRANT OF BAIL*) with SPECIAL LEAVE PETITION (CRIMINAL) NO.529 of 2021 by the Hon'ble Supreme Court of India, the State Government hereby makes the following rules to further amend the Tripura Sansodhanagar Rules,2021 (hereinafter referred to as the Principal Rules):-

1. Short title and commencement: -

1) These rules may be called the 'Tripura Sansodhanagar (Third amendment) Rules, 2025';

2) They shall come into force on and from the date of their publication in the Tripura Gazette.

2. Amendment of Chapter-XIX

The Heading and sub-heading of the Chapter-XIX namely "PREMATURE RELEASE" shall be substituted with the heading "PERMANENT REMISSION OR PREMATURE RELEASE".

3. Amendment of rule 517

1) In sub-rule (1), the expression "Section 433 of the Code of Criminal Procedure, 1973" shall be substituted with the expression "Section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023";

2) In sub-rule (2), the expression "Section 432 of the Code of Criminal Procedure, 1973" shall be substituted with the expression "Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023."

4. Amendment of rule 518

Rule 518 shall be substituted with the following -

"Save as otherwise provided in the Bharatiya Nagarik Suraksha Sanhita, 2023 or in the Constitution of India or in any Special State legislation, the guidelines or the policy for permanent remission or premature release of life convicts, as prescribed in this chapter, shall

be followed."

5. Amendment of Rule 521

Sub-rule (1) of rule 521 shall be substituted with the following:-

"(1) On receipt of any proposal, along with compiled report and relevant documents of permanent remission or premature release from the Superintendent of a Sansodhanagar, the State Level Committee (SLC) shall meet accordingly;"

6. Amendment of Rule 522

In sub rule (1) & (2) of rule 522, the expression "Section 433-A of the Code of Criminal Procedure, 1973" shall be substituted with the expression "Section 475 of the Bharatiya Nagarik Suraksha Sanhita, 2023".

7. Amendment of Rule 523

The contents under rule 523 shall be substituted with the following:-

"(1) The Superintendent in charge of every Sansodhanagar shall prepare list of eligible life convicts and other convicts within a gap of every four months, i.e. within the first ten days of each January, May and September of the year and while preparing such list, the Superintendent of the Sansodhanagar shall prepare a comprehensive note for each prisoner, indicating his family background as per record, the offence for which the prisoner was convicted and sentenced, and the circumstances under which the offence was committed. The Superintendent shall also reflect the following:-

a. the conduct and behaviour of the prisoner in the Sansodhanagar during the period of incarceration,
b. the conduct and behaviour of the prisoner during his/her release on probation or leave,
c. change in behavioural pattern of the prisoner during the period of incarceration,
d. sansodhanagar offences, if any, committed by the prisoner during the period of incarceration and punishment awarded to him/her,
e. report on physical and mental health or any serious ailment with which the prisoner is suffering, entitling him/her for permanent remission or premature release,
f. whether the offences for which the prisoner is sentenced was an individual act of crime without affecting the society at large,
g. recommendation of the Superintendent, i.e. whether he/she advocates the permanent remission or premature release of the prisoner or not and in either case such recommendation shall be supported by adequate reasons;

(2) The superintendent shall collect all the documents required for consideration of

permanent remission or premature release as per the relevant provision these rules;

(3) The superintendent shall require from the concerned authorities for such documents, which are not available with the prison administration, by 1st February (for the list prepared in January), 1st June (for the list prepared in May) and 1st October (for the list prepared in September) for that year;

(4) The superintendent shall undertake necessary endeavours to collect the reports from the concerned authorities, within such date, as he thinks fit, so as to prepare his report in stipulated time and may issue reminders to those authorities from time to time, if required. Failure to send information to the prison superintendent, by the authorities concerned, within the time so fixed, shall lead to non-compliance of the relevant provisions of these rules, for which the defaulting authority may be held responsible;

(5) The process of compilation of document or information for any individual case of permanent remission or premature release, shall be completed within a maximum period of 2 months i.e. by 31st March (for the list prepared in January), by 31st July (for the list prepared in May) and 31st November (for the list prepared in September);

(6) The superintendent shall send the list of eligible prisoners along with documents and information to the Member Secretary, State Level Committee (SLC) by 1st April (for the list prepared in January), by 1st August (for the list prepared in May) and by 1stDecember (for the list prepared in September). The Member Secretary, State Level Committee (SLC) shall place the agenda containing this list before the State Level Committee (SLC) in its meeting;

(7) It is not necessary for the convict or his relatives to make specific application for grant of permanent remission or premature release.

8. Amendment of rule 524

The expression "Section 123 of the Code of Criminal Procedure, 1973" shall be substituted with the expression "Section 142 of the Bharatiya Nagarik Suraksha Sanhita, 2023".

9.Amendment of rule 525

1)Sub-rule (3) of rule 525 shall be substituted with the following:-

"(3) While considering the case of permanent remission or premature release of a particular prisoner, the State Level Committee (SLC) shall keep in view the following:-

i. Whether the offence was an individual act or crime without affecting the society at large;

ii. The socio-economic condition of the convict's family and other similar circumstances;
iii. The eligibility criteria laid down under Rule 522 and Rule 524 of these Rules;
iv. Report of Superintendent as need as per Rule 523 of the of these Rules;
v. Specific comments of District Magistrate & Collector and Superintendent of Police concerned, in prescribed format, for permanent remission or premature release in every case."

2) After sub-rule (3), a new sub-rule 3(A) shall be inserted as follows:-

"(3A). The following conditions may be imposed while recommending for grant of permanent remission or premature release:-

a. The prisoner, in whose favour the permanent remission or premature release is to be granted, shall furnish a bond with or without surety, for the unexpired period of his sentence, for maintaining public peace and tranquility or good behaviour in the society;

   A fresh bond shall have to be furnished by the released prisoner after expiry of 6 month from the date of submission of earlier bond.

b. The prisoner, to whom permanent remission or premature release is to be granted, shall have to report to the Officer-In-Charge of nearest Police Station on every Monday. Released prisoners shall have also to report once in every month to the concerned District Probation Officer;
c. The prisoner, who has been granted permanent remission or premature release, must report in advance to the Officer-in-Charge of the nearest police station before leaving their respective location and shall provide the details of the location where they intend to visit or stay, along with their contact information;
d. Any situation created by the released prisoner that involves threatening or intimidating any members of the victim's family shall be taken seriously and dealt with strictly under the law;
e. Restriction on the released prisoner from visiting certain areas or contacting certain people, including the victim's family or any accomplice;
f. The released prisoner must not commit any new crime or engage in any activities that are punishable by any law;
g. Prohibiting the released prisoner from associating with certain individuals or groups, particularly those who are with a criminal background;
h. Any other reasonable condition(s) as deemed fit by the SLC keeping in view the specific nature of the case of the prisoner.

3) Sub-rule (5) of rule 525 shall be substituted with the following-

"(5) Order granting or refusing the permanent remission or premature release must contain brief reason and shall be immediately communicated to the convict through the office of the concerned sansodhanagar. The copies thereof should be forwarded to the Secretaries of the concerned District Legal Services Authority, Officer-in-Charge of the Police Station, the Probation Officer and other concerned. It is the duty of the superintendent to inform the convict that he/she has the right to challenge the order of rejection of permanent remission or premature release;

4) Sub-rule (6) of rule 525 shall be substituted with the following-

"(6)The recommendation of the SLC shall be placed before the Government within 10 days from the date of the meeting of SLC and the Executive Head of the State may either accept the recommendation of the State Level Committee (SLC) or reject the same on the grounds to be stated in writing or may ask the State Level Committee (SLC) to reconsider a particular case.

5) After sub-rule (6), the following new sub-rules shall be inserted as follows:-

"(7) Before taking any decision regarding acceptance or rejection of the recommendation of the SLC, the Government may require the opinion of the Presiding Officer concerned, in accordance with sub-section (2) of Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and if such opinion is sought, the Presiding Officer shall submit his opinion at the earliest;

(8) The decision of the Government shall be communicated to the concerned prisoner and in case the Executive Head of the State has ordered for his premature release, the prisoner shall be released forthwith, with or without conditions, as prescribed in the guidelines issued by the Government in this regard."

10. <u>Amendment of Rule-528</u>

1) In sub-rule (1), the expression "Section 432 of the Cr.P.C." shall be substituted with the expression "Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023".

2) In sub-rule (2), the expression "Section 433 of the Cr.P.C." shall be substituted with the expression "Section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023" and the expressions "Section 433A of the Code of Criminal Procedure" shall be substituted with the expression "Section 475 of the Bharatiya Nagarik Suraksha Sanhita, 2023".

11. Amendment of Rule-529

The expression "Section 435 of the Cr.P.C." shall be substituted with the expression "Section 477 of the Bharatiya Nagarik Suraksha Sanhita, 2023".

12. Insertion of a new rule 530

After rule 529, a new rule 530 shall be inserted as follows:-

"530. RECOVATION OF GRANT OF PERMANENT REMISSION OR PREMATURE RELEASE.

1. *On receipt of written information regarding any breach of conditions by the* prisoner, as released as per provisions of permanent remission or premature release, from concerned Superintendent of Police, a show cause notice must be served on the convict before taking action to withdraw or cancel the permanent remission or premature release for taking the convict to prison for undergoing the remaining part of sentence. The show cause notice must contain the grounds on which action under subsection sub-section (3) of Section 473 of BNSS is sought to be taken. The concerned authority must give the convict an opportunity to file a reply and of being heard.

(2) Before taking action to withdraw or cancellation of permanent remission or premature release, following procedure shall be maintained:

a. Show cause notice to be served upon the convict;
b. An opportunity to file a written reply within one week;
c. An opportunity of personal hearing to be conducted by the State Level Committee.

After that, the competent authority shall pass an order with brief reasoning in the matter of terms and conditions for granting of permanent remission or premature release.

(3) The convict can challenge the order of cancellation of premature release or permanent remission by adopting a remedy under Article 226 of the Constitution of India."

By order of the Governor,

03/09/25

Secretary to the
Government of Tripura